

**281—41.408 (256B,273,34CFR300) Instructional services.**

**41.408(1) General.** Instructional services are the specially designed instruction and accommodations provided by special education instructional personnel to eligible individuals. These services are ordinarily provided by the LEA but, in limited circumstances, may be provided by another LEA, the AEA or another recognized agency through contractual agreement. An agency must use the procedure and criteria described in subrule 41.408(2) for creating a delivery system for instructional services.

**41.408(2) Delivery system.** An agency shall use the following development process for creating a system for delivering instructional services.

*a.* The delivery system shall meet this chapter's requirements relating to a continuum of services and placements, shall address the needs of eligible individuals aged 3 to 21, and shall provide for the following:

(1) The provision of accommodations and modifications to the general education environment and program, including settings and programs in which eligible individuals aged 3 through 5 receive specially designed instruction, including modification and adaptation of curriculum, instructional techniques and strategies, and instructional materials.

(2) The provision of specially designed instruction and related activities through cooperative efforts of special education teachers and general education teachers in the general education classroom.

(3) The provision of specially designed instruction on a limited basis by a special education teacher in the general classroom or in an environment other than the general classroom, including consultation with general education teachers.

(4) The provision of specially designed instruction to eligible individuals with similar special education instructional needs organized according to the type of curriculum and instruction to be provided, and the severity of the educational needs of the eligible individuals served.

*b.* The delivery system shall be described in writing and shall include the following components:

(1) A description of how services will be organized and how services will be provided to eligible individuals consistent with the requirements of this chapter, and the provisions described in 41.408(2) "*a.*"

(2) A description of how the caseloads of special education teachers will be determined and regularly monitored to ensure that the IEPs of eligible individuals are able to be fully implemented.

(3) A description of the procedures a special education teacher can use to resolve concerns about caseload. The procedures shall specify timelines for the resolution of a concern and identify the person to whom a teacher reports a concern. The procedures shall also identify the person or persons who are responsible for reviewing a concern and rendering a decision, including the specification of any corrective actions.

(4) A description of the process used to develop the system, including the composition of the group responsible for its development.

(5) A description of the process that will be used to evaluate the effectiveness of the system.

(6) A description of how the delivery system will meet the targets identified in the state's performance plan, described in this chapter.

(7) A description of how the delivery system will address needs identified by the state in any determination made under this chapter.

*c.* The following procedures shall be followed by the agency:

(1) The delivery system shall be developed by a group of individuals that includes parents of eligible individuals, special education and general education teachers, administrators, and at least one AEA representative. The AEA representative shall be selected by the director.

(2) The director shall verify that the delivery system is in compliance with these rules prior to LEA board adoption.

(3) Prior to presenting the delivery system to the LEA board for adoption, the group responsible for its development shall provide an opportunity for comment on the system by the general public. In presenting the delivery system to the LEA board for adoption, the group shall describe the comment received from the general public and how the comment was considered.

(4) The LEA board shall approve the system prior to implementation.

*d.* The procedure presented in subrule 41.907(9) shall be followed in applying the weighting plan for special education instructional funds described in Iowa Code section 256B.9 to any delivery system developed under these provisions.

*e.* An LEA shall review, revise, and readopt its delivery system using the procedures identified in paragraph “*c*” of this subrule at least every five years, or sooner if required by the state in conjunction with any determination made under this chapter.

*f.* An LEA shall make the document describing its delivery system readily available to LEA personnel and members of the public.

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